

Bill No. SB 1766

Barcode 695132    Comm: RCS    03/20/2006 03:53 PM

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Proposed Committee Substitute by the Committee on  
Transportation

1                                    A bill to be entitled

2                    An act relating to transportation; amending s.

3                    112.061, F.S.; authorizing metropolitan

4                    planning organizations and certain separate

5                    entities to establish per diem and travel

6                    reimbursement rates; amending s. 121.021, F.S.;

7                    revising the definition of "local agency

8                    employer" to include metropolitan planning

9                    organizations and certain separate entities for

10                   purposes of the Florida Retirement System Act;

11                   revising the definition of "regularly

12                   established position" to include positions in

13                   metropolitan planning organizations; amending

14                   s. 121.051, F.S.; providing for metropolitan

15                   planning organizations to participate in the

16                   Florida Retirement System; amending s. 121.055,

17                   F.S.; requiring certain metropolitan planning

18                   organization and similar entity staff positions

19                   to be in the Senior Management Service Class of

20                   the Florida Retirement System; amending s.

21                   121.061, F.S.; providing for enforcement of

22                   certain employer funding contributions required

23                   under the Florida Retirement System;

24                   authorizing deductions of amounts owed from

25                   certain funds distributed to a metropolitan

26                   planning organization; authorizing the

27                   governing body of a metropolitan planning

28                   organization to file and maintain an action in

29                   court to require an employer to remit

30                   retirement or social security member

31                   contributions or employer matching payments;

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1 amending s. 121.081, F.S.; providing for  
2 metropolitan planning organization officers and  
3 staff to claim past service for retirement  
4 benefits; amending s. 339.175, F.S.; specifying  
5 that a metropolitan planning organization is a  
6 separate legal entity independent of entities  
7 represented on the M.P.O. and signatories to  
8 the agreement creating the M.P.O.; providing  
9 for transfer of responsibilities and  
10 liabilities to the new M.P.O. upon execution of  
11 a new interlocal agreement by the governmental  
12 entities constituting the M.P.O.; providing for  
13 selection of certain officers and an agency  
14 clerk; revising requirements for voting  
15 membership; specifying that certain  
16 constitutional and charter officers are not  
17 elected officials of a general-purpose local  
18 government for voting membership purposes;  
19 establishing a process for appointing alternate  
20 members; revising provisions for nonvoting  
21 advisers; revising provisions for employment of  
22 staff by an M.P.O.; providing for training of  
23 certain persons who serve on an M.P.O. for  
24 certain purposes; providing additional powers  
25 and duties of M.P.O.'s; directing M.P.O.'s to  
26 develop coordinated transportation planning  
27 processes under certain conditions; requiring a  
28 report; revising voting requirements for  
29 approval of certain plans and programs and  
30 amendments thereto; requiring the Florida  
31 Transportation Commission to conduct a study of

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1 the progress made by M.P.O.'s to establish  
2 improved coordinated transportation planning  
3 processes; requiring a report; detailing the  
4 issues the report must consider; requiring that  
5 the report be submitted to the Governor and the  
6 Legislature by a specified date; amending s.  
7 20.23, F.S.; providing that the salary and  
8 benefits of the executive director of the  
9 Florida Transportation Commission shall be set  
10 in accordance with the Senior Management  
11 Service; amending s. 332.007, F.S.; authorizing  
12 the Department of Transportation to provide  
13 funds for certain general aviation projects  
14 under certain circumstances; amending s.  
15 332.007, F.S., relating to the administration  
16 and financing of aviation and airport  
17 operational and maintenance projects of  
18 publicly owned airports; changing the  
19 expiration date of the financial programs to  
20 the year 2012 from 2007; providing an effective  
21 date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Subsection (14) of section 112.061, Florida  
26 Statutes, is amended to read:

27 112.061 Per diem and travel expenses of public  
28 officers, employees, and authorized persons.--

29 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS,  
30 DISTRICT SCHOOL BOARDS, AND SPECIAL DISTRICTS.--

31 (a) Rates that exceed the maximum travel reimbursement

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rates for nonstate travelers specified in paragraph (6)(a) for per diem, in paragraph (6)(b) for subsistence, and in subparagraph (7)(d)1. for mileage may be established by:

1. The governing body of a county by the enactment of an ordinance or resolution;

2. A county constitutional officer, pursuant to s. 1(d), Art. VIII of the State Constitution, by the establishment of written policy;

3. The governing body of a district school board by the adoption of rules; ~~or~~

4. The governing body of a special district, as defined in s. 189.403(1), except those special districts that are subject to s. 166.021(10), by the enactment of a resolution; or

5. Any metropolitan planning organization created pursuant to s. 339.175, or any separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, by enactment of a resolution.

(b) Rates established pursuant to paragraph (a) must apply uniformly to all travel by the county, county constitutional officer and entity governed by that officer, district school board, ~~or~~ special district, or metropolitan planning organization.

(c) Except as otherwise provided in this subsection, counties, county constitutional officers and entities governed by those officers, district school boards, and special districts, other than those subject to s. 166.021(10), remain subject to the requirements of this section.

Section 2. Paragraph (a) of subsection (42) and paragraph (b) of subsection (52) of section 121.021, Florida

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1 Statutes, are amended to read:

2           121.021 Definitions.--The following words and phrases  
3 as used in this chapter have the respective meanings set forth  
4 unless a different meaning is plainly required by the context:

5           (42)(a) "Local agency employer" means the board of  
6 county commissioners or other legislative governing body of a  
7 county, however styled, including that of a consolidated or  
8 metropolitan government; a clerk of the circuit court,  
9 sheriff, property appraiser, tax collector, or supervisor of  
10 elections, provided such officer is elected or has been  
11 appointed to fill a vacancy in an elective office; a community  
12 college board of trustees or district school board; or the  
13 governing body of any city, metropolitan planning organization  
14 created pursuant to s. 339.175, or any separate legal or  
15 administrative entity created pursuant to s. 339.175, or  
16 special district of the state which participates in the system  
17 for the benefit of certain of its employees.

18           (52) "Regularly established position" is defined as  
19 follows:

20           (b) In a local agency (district school board, county  
21 agency, community college, city, metropolitan planning  
22 organization, or special district), the term means a regularly  
23 established position which will be in existence for a period  
24 beyond 6 consecutive months, except as provided by rule.

25           Section 3. Paragraph (b) of subsection (2) of section  
26 121.051, Florida Statutes, is amended to read:

27           121.051 Participation in the system.--

28           (2) OPTIONAL PARTICIPATION.--

29           (b)1. The governing body of any municipality,  
30 metropolitan planning organization, or special district in the  
31 state may elect to participate in the system upon proper

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1 application to the administrator and may cover all or any of  
2 its units as approved by the Secretary of Health and Human  
3 Services and the administrator. The department shall adopt  
4 rules establishing provisions for the submission of documents  
5 necessary for such application. Prior to being approved for  
6 participation in the Florida Retirement System, the governing  
7 body of any such municipality, metropolitan planning  
8 organization, or special district that has a local retirement  
9 system shall submit to the administrator a certified financial  
10 statement showing the condition of the local retirement system  
11 as of a date within 3 months prior to the proposed effective  
12 date of membership in the Florida Retirement System. The  
13 statement must be certified by a recognized accounting firm  
14 that is independent of the local retirement system. All  
15 required documents necessary for extending Florida Retirement  
16 System coverage must be received by the department for  
17 consideration at least 15 days prior to the proposed effective  
18 date of coverage. If the municipality, metropolitan planning  
19 organization, or special district does not comply with this  
20 requirement, the department may require that the effective  
21 date of coverage be changed.

22       2. Any city, metropolitan planning organization, or  
23 special district that has an existing retirement system  
24 covering the employees in the units that are to be brought  
25 under the Florida Retirement System may participate only after  
26 holding a referendum in which all employees in the affected  
27 units have the right to participate. Only those employees  
28 electing coverage under the Florida Retirement System by  
29 affirmative vote in said referendum shall be eligible for  
30 coverage under this chapter, and those not participating or  
31 electing not to be covered by the Florida Retirement System

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1 shall remain in their present systems and shall not be  
2 eligible for coverage under this chapter. After the referendum  
3 is held, all future employees shall be compulsory members of  
4 the Florida Retirement System.

5         3. The governing body of any city, metropolitan  
6 planning organization, or special district complying with  
7 subparagraph 1. may elect to provide, or not provide, benefits  
8 based on past service of officers and employees as described  
9 in s. 121.081(1). However, if such employer elects to provide  
10 past service benefits, such benefits must be provided for all  
11 officers and employees of its covered group.

12         4. Once this election is made and approved it may not  
13 be revoked, except pursuant to subparagraphs 5. and 6., and  
14 all present officers and employees electing coverage under  
15 this chapter and all future officers and employees shall be  
16 compulsory members of the Florida Retirement System.

17         5. Subject to the conditions set forth in subparagraph  
18 6., the governing body of any hospital licensed under chapter  
19 395 which is governed by the board of a special district as  
20 defined in s. 189.403(1) or by the board of trustees of a  
21 public health trust created under s. 154.07, hereinafter  
22 referred to as "hospital district," and which participates in  
23 the system, may elect to cease participation in the system  
24 with regard to future employees in accordance with the  
25 following procedure:

26             a. No more than 30 days and at least 7 days before  
27 adopting a resolution to partially withdraw from the Florida  
28 Retirement System and establish an alternative retirement plan  
29 for future employees, a public hearing must be held on the  
30 proposed withdrawal and proposed alternative plan.

31             b. From 7 to 15 days before such hearing, notice of

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1 intent to withdraw, specifying the time and place of the  
2 hearing, must be provided in writing to employees of the  
3 hospital district proposing partial withdrawal and must be  
4 published in a newspaper of general circulation in the area  
5 affected, as provided by ss. 50.011-50.031. Proof of  
6 publication of such notice shall be submitted to the  
7 Department of Management Services.

8         c. The governing body of any hospital district seeking  
9 to partially withdraw from the system must, before such  
10 hearing, have an actuarial report prepared and certified by an  
11 enrolled actuary, as defined in s. 112.625(3), illustrating  
12 the cost to the hospital district of providing, through the  
13 retirement plan that the hospital district is to adopt,  
14 benefits for new employees comparable to those provided under  
15 the Florida Retirement System.

16         d. Upon meeting all applicable requirements of this  
17 subparagraph, and subject to the conditions set forth in  
18 subparagraph 6., partial withdrawal from the system and  
19 adoption of the alternative retirement plan may be  
20 accomplished by resolution duly adopted by the hospital  
21 district board. The hospital district board must provide  
22 written notice of such withdrawal to the division by mailing a  
23 copy of the resolution to the division, postmarked no later  
24 than December 15, 1995. The withdrawal shall take effect  
25 January 1, 1996.

26         6. Following the adoption of a resolution under  
27 sub-subparagraph 5.d., all employees of the withdrawing  
28 hospital district who were participants in the Florida  
29 Retirement System prior to January 1, 1996, shall remain as  
30 participants in the system for as long as they are employees  
31 of the hospital district, and all rights, duties, and



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obligations between the hospital district, the system, and the employees shall remain in full force and effect. Any employee who is hired or appointed on or after January 1, 1996, may not participate in the Florida Retirement System, and the withdrawing hospital district shall have no obligation to the system with respect to such employees.

Section 4. Paragraph (1) is added to subsection (1) of section 121.055, Florida Statutes, to read:

121.055 Senior Management Service Class.--There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(1) For each metropolitan planning organization that has opted to become part of the Florida Retirement System, participation in the Senior Management Service Class shall be compulsory for the executive director or staff director of that metropolitan planning organization or similar entity created pursuant to s. 339.175.

Section 5. Paragraphs (a) and (c) of subsection (2) of section 121.061, Florida Statutes, are amended to read:

121.061 Funding.--

(2)(a) Should any employer other than a state employer fail to make the retirement and social security contributions, both member and employer contributions, required by this chapter, then, upon request by the administrator, the Department of Revenue or the Department of Financial Services, as the case may be, shall deduct the amount owed by the employer from any funds to be distributed by it to the county, city, metropolitan planning organization, special district, or

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consolidated form of government. The amounts so deducted shall be transferred to the administrator for further distribution to the trust funds in accordance with this chapter.

(c) The governing body of each county, city, metropolitan planning organization, special district, or consolidated form of government participating under this chapter or the administrator, acting individually or jointly, is hereby authorized to file and maintain an action in the courts of the state to require any employer to remit any retirement or social security member contributions or employer matching payments due the retirement or social security trust funds under the provisions of this chapter.

Section 6. Paragraphs (a), (b), and (e) of subsection (1) of section 121.081, Florida Statutes, are amended to read:

121.081 Past service; prior service; contributions.--Conditions under which past service or prior service may be claimed and credited are:

(1)(a) Past service, as defined in s. 121.021(18), may be claimed as creditable service by officers or employees of a city, metropolitan planning organization, or special district that become a covered group under this system. The governing body of a covered group in compliance with s. 121.051(2)(b) may elect to provide benefits with respect to past service earned prior to January 1, 1975, in accordance with this chapter, and the cost for such past service shall be established by applying the following formula: The member contribution for both regular and special risk members shall be 4 percent of the gross annual salary for each year of past service claimed, plus 4-percent employer matching contribution, plus 4 percent interest thereon compounded annually, figured on each year of past service, with interest

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1 compounded from date of annual salary earned until July 1,  
2 1975, and 6.5 percent interest compounded annually thereafter  
3 until date of payment. Once the total cost for a member has  
4 been figured to date, then after July 1, 1975, 6.5 percent  
5 compounded interest shall be added each June 30 thereafter on  
6 any unpaid balance until the cost of such past service  
7 liability is paid in full. The following formula shall be used  
8 in calculating past service earned prior to January 1, 1975:  
9 (Annual gross salary multiplied by 8 percent) multiplied by  
10 the 4 percent or 6.5 percent compound interest table factor,  
11 as may be applicable. The resulting product equals cost to  
12 date for each particular year of past service.

13 (b) Past service earned after January 1, 1975, may be  
14 claimed by officers or employees of a city, metropolitan  
15 planning organization, or special district that becomes a  
16 covered group under this system. The governing body of a  
17 covered group may elect to provide benefits with respect to  
18 past service earned after January 1, 1975, in accordance with  
19 this chapter, and the cost for such past service shall be  
20 established by applying the following formula: The employer  
21 shall contribute an amount equal to the contribution rate in  
22 effect at the time the service was earned, multiplied by the  
23 employee's gross salary for each year of past service claimed,  
24 plus 6.5 percent interest thereon, compounded annually,  
25 figured on each year of past service, with interest compounded  
26 from date of annual salary earned until date of payment.

27 (e) Past service, as defined in s. 121.021(18), may be  
28 claimed as creditable service by a member of the Florida  
29 Retirement System who formerly was an officer or employee of a  
30 city, metropolitan planning organization, or special district,  
31 notwithstanding the status or form of the retirement system,

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1 if any, of that city, metropolitan planning organization, or  
2 special district and irrespective of whether officers or  
3 employees of that city, metropolitan planning organization, or  
4 special district now or hereafter become a covered group under  
5 the Florida Retirement System. Such member may claim  
6 creditable service and be entitled to the benefits accruing to  
7 the regular class of members as provided for the past service  
8 claimed under this paragraph by paying into the retirement  
9 trust fund an amount equal to the total actuarial cost of  
10 providing the additional benefit resulting from such  
11 past-service credit, discounted by the applicable actuarial  
12 factors to date of retirement.

13 Section 7. Subsection (1), paragraphs (a) and (b) of  
14 subsection (2), paragraphs (a) and (b) of subsection (3), and  
15 subsections (5) and (12) of section 339.175, Florida Statutes,  
16 are amended, to read:

17 339.175 Metropolitan planning organization.--It is the  
18 intent of the Legislature to encourage and promote the safe  
19 and efficient management, operation, and development of  
20 surface transportation systems that will serve the mobility  
21 needs of people and freight within and through urbanized areas  
22 of this state while minimizing transportation-related fuel  
23 consumption and air pollution. To accomplish these objectives,  
24 metropolitan planning organizations, referred to in this  
25 section as M.P.O.'s, shall develop, in cooperation with the  
26 state and public transit operators, transportation plans and  
27 programs for metropolitan areas. The plans and programs for  
28 each metropolitan area must provide for the development and  
29 integrated management and operation of transportation systems  
30 and facilities, including pedestrian walkways and bicycle  
31 transportation facilities that will function as an intermodal

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1 transportation system for the metropolitan area, based upon  
2 the prevailing principles provided in s. 334.046(1). The  
3 process for developing such plans and programs shall provide  
4 for consideration of all modes of transportation and shall be  
5 continuing, cooperative, and comprehensive, to the degree  
6 appropriate, based on the complexity of the transportation  
7 problems to be addressed. To ensure that the process is  
8 integrated with the statewide planning process, M.P.O.'s shall  
9 develop plans and programs that identify transportation  
10 facilities that should function as an integrated metropolitan  
11 transportation system, giving emphasis to facilities that  
12 serve important national, state, and regional transportation  
13 functions. For the purposes of this section, those facilities  
14 include the facilities on the Strategic Intermodal System  
15 designated under s. 339.63 and facilities for which projects  
16 have been identified pursuant to s. 339.2819(4).

17 (1) DESIGNATION.--

18 (a)1. An M.P.O. shall be designated for each urbanized  
19 area of the state; however, this does not require that an  
20 individual M.P.O. be designated for each such area. The ~~Such~~  
21 designation shall be accomplished by agreement between the  
22 Governor and units of general-purpose local government  
23 representing at least 75 percent of the population of the  
24 urbanized area; however, the unit of general-purpose local  
25 government that represents the central city or cities within  
26 the M.P.O. jurisdiction, as defined by the United States  
27 Bureau of the Census, must be a party to the ~~such~~ agreement.

28 2. More than one M.P.O. may be designated within an  
29 existing metropolitan planning area only if the Governor and  
30 the existing M.P.O. determine that the size and complexity of  
31 the existing metropolitan planning area makes the designation

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1 of more than one M.P.O. for the area appropriate.

2 (b) Each M.P.O. required to be designated by Title 23  
3 of the United States Code shall be created and operated under  
4 the provisions of this section pursuant to an interlocal  
5 agreement entered into pursuant to s. 163.01. The signatories  
6 to the interlocal agreement shall be the department and the  
7 governmental entities designated by the Governor for  
8 membership on the M.P.O. Each M.P.O. is separate from the  
9 state and the governing body of a local government which is  
10 represented on the governing board of the M.P.O. or which is a  
11 signatory to the interlocal agreement creating the M.P.O. The  
12 M.P.O. has the powers and privileges that are provided to it  
13 under s. 163.01. If there is a conflict between this section  
14 and s. 163.01, this section prevails.

15 (c) The jurisdictional boundaries of an M.P.O. shall  
16 be determined by agreement between the Governor and the  
17 applicable M.P.O. The boundaries must include at least the  
18 metropolitan planning area, which is the existing urbanized  
19 area and the contiguous area expected to become urbanized  
20 within a 20-year forecast period, and may encompass the entire  
21 metropolitan statistical area or the consolidated metropolitan  
22 statistical area.

23 (d) In the case of an urbanized area designated as a  
24 nonattainment area for ozone or carbon monoxide under the  
25 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of  
26 the metropolitan planning area in existence as of the date of  
27 enactment of this paragraph shall be retained, except that the  
28 boundaries may be adjusted by agreement of the Governor and  
29 affected metropolitan planning organizations in the manner  
30 described in this section. If more than one M.P.O. has  
31 authority within a metropolitan area or an area that is

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1 designated as a nonattainment area, each M.P.O. shall consult  
2 with other M.P.O.'s designated for such area and with the  
3 state in the coordination of plans and programs required by  
4 this section.

5 (e) The governing body of the M.P.O. shall designate a  
6 chair, a vice chair, and an agency clerk. The chair and vice  
7 chair must be selected from among the delegates representing  
8 the member organizations that comprise the governing board of  
9 the M.P.O. The agency clerk is responsible for preparing  
10 minutes of each meeting and maintaining the records of the  
11 M.P.O. The clerk may be a member of the M.P.O. governing  
12 board, an employee of the M.P.O., or any other natural person.

13  
14 Each M.P.O. required under this section must be fully  
15 operative no later than 6 months following its designation.

16 (2) VOTING MEMBERSHIP.--

17 (a) The voting membership of an M.P.O. shall consist  
18 of not fewer than 5 or more than 19 apportioned members, the  
19 exact number to be determined on an equitable  
20 geographic-population ratio basis by the Governor, based on an  
21 agreement among the affected units of general-purpose local  
22 government as required by federal rules and regulations. The  
23 Governor, in accordance with 23 U.S.C. s. 134, may also  
24 provide for M.P.O. members who represent municipalities to  
25 alternate with representatives from other municipalities  
26 within the metropolitan planning area that do not have members  
27 on the M.P.O. County commission members shall compose not less  
28 than one-third of the M.P.O. membership, except for an M.P.O.  
29 with more than 15 members located in a county with a 5-member  
30 ~~five-member~~ county commission or an M.P.O. with 19 members  
31 located in a county with no more than 6 county commissioners,

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1 in which case county commission members may compose less than  
 2 one-third percent of the M.P.O. membership, but all county  
 3 commissioners must be members. All voting members shall be  
 4 elected officials of general-purpose local governments, except  
 5 that an M.P.O. may include, as part of its apportioned voting  
 6 members, a member of a statutorily authorized planning board,  
 7 an official of an agency that operates or administers a major  
 8 mode of transportation, or an official of the Florida Space  
 9 Authority. As used in this section, elected officials of a  
 10 general-purpose local government shall exclude constitutional  
 11 or charter officers, including sheriffs, tax collectors,  
 12 supervisors of elections, property appraisers, clerks of the  
 13 court, and similar types of officials. County commissioners  
 14 ~~The county commission~~ shall compose not less than 20 percent  
 15 of the M.P.O. membership if an official of an agency that  
 16 operates or administers a major mode of transportation has  
 17 been appointed to an M.P.O.

18 (b) In metropolitan areas in which authorities or  
 19 other agencies have been or may be created by law to perform  
 20 transportation functions and are performing transportation  
 21 functions that are not under the jurisdiction of a  
 22 general-purpose ~~general purpose~~ local government represented  
 23 on the M.P.O., they shall be provided voting membership on the  
 24 M.P.O. In all other M.P.O.'s where transportation authorities  
 25 or agencies are to be represented by elected officials from  
 26 general-purpose ~~general purpose~~ local governments, the M.P.O.  
 27 shall establish a process by which the collective interests of  
 28 such authorities or other agencies are expressed and conveyed.

29 (3) APPORTIONMENT.--

30 (a) The Governor shall, with the agreement of the  
 31 affected units of general-purpose local government as required



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1 by federal rules and regulations, apportion the membership on  
2 the applicable M.P.O. among the various governmental entities  
3 within the area. At the request of a majority of the affected  
4 units of general-purpose local government comprising an  
5 M.P.O., the Governor and a majority of units of  
6 general-purpose local governments serving on an M.P.O. and  
7 shall cooperatively agree upon and prescribe who may serve as  
8 an alternate member and a method for appointing alternate  
9 members who may vote at any M.P.O. meeting that an alternate  
10 member attends in place of a regular member. The methodology  
11 shall be set forth as a part of the interlocal agreement  
12 describing the M.P.O.'s membership or in the M.P.O.'s  
13 operating procedures and bylaws. An appointed alternate member  
14 must be an elected official serving the same governmental  
15 entity or a general purpose local government with jurisdiction  
16 within all or part of the area that the regular member serves.  
17 The governmental entity so designated shall appoint the  
18 appropriate number of members to the M.P.O. from eligible  
19 officials. Representatives of the department shall serve as  
20 nonvoting members of the M.P.O. governing board. Nonvoting  
21 advisers may be appointed by the M.P.O. as deemed necessary;  
22 however, to the maximum extent feasible, each M.P.O. shall  
23 seek to appoint nonvoting representatives of various  
24 multimodal forms of transportation not otherwise represented  
25 by voting members of the M.P.O. An M.P.O. shall appoint  
26 nonvoting advisers representing major military installations  
27 upon the request of the major military installations and  
28 subject to the agreement of the M.P.O. All nonvoting advisers  
29 may attend and participate fully in governing board meetings  
30 but shall not vote and shall not be members of the governing  
31 board. The Governor shall review the composition of the M.P.O.

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1 membership in conjunction with the decennial census as  
2 prepared by the United States Department of Commerce, Bureau  
3 of the Census, and reapportion it as necessary to comply with  
4 subsection (2).

5 (b) Except for members who represent municipalities on  
6 the basis of alternating with representatives from other  
7 municipalities that do not have members on the M.P.O. as  
8 provided in paragraph (2)(a), the members of an M.P.O. shall  
9 serve 4-year terms. Members who represent municipalities on  
10 the basis of alternating with representatives from other  
11 municipalities that do not have members on the M.P.O. as  
12 provided in paragraph (2)(a) may serve terms of up to 4 years  
13 as further provided in the interlocal agreement described in  
14 paragraph (1)(b). The membership of a member who is a public  
15 official automatically terminates upon the member's leaving  
16 his or her elective or appointive office for any reason, or  
17 may be terminated by a majority vote of the total membership  
18 of the entity's governing board ~~a county or city governing~~  
19 ~~entity~~ represented by the member. A vacancy shall be filled by  
20 the original appointing entity. A member may be reappointed  
21 for one or more additional 4-year terms.

22 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,  
23 privileges, and authority of an M.P.O. are those specified in  
24 this section or incorporated in an interlocal agreement  
25 authorized under s. 163.01. Each M.P.O. shall perform all acts  
26 required by federal or state laws or rules, now and  
27 subsequently applicable, which are necessary to qualify for  
28 federal aid. It is the intent of this section that each M.P.O.  
29 shall be involved in the planning and programming of  
30 transportation facilities, including, but not limited to,  
31 airports, intercity and high-speed rail lines, seaports, and

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intermodal facilities, to the extent permitted by state or federal law.

(a) Each M.P.O. shall, in cooperation with the department, develop:

1. A long-range transportation plan pursuant to the requirements of subsection (6);

2. An annually updated transportation improvement program pursuant to the requirements of subsection (7); and

3. An annual unified planning work program pursuant to the requirements of subsection (8).

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and strategies that will:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

2. Increase the safety and security of the transportation system for motorized and nonmotorized users;

3. Increase the accessibility and mobility options available to people and for freight;

4. Protect and enhance the environment, promote energy conservation, and improve quality of life;

5. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

6. Promote efficient system management and operation; and

7. Emphasize the preservation of the existing transportation system.

(c) In order to provide recommendations to the

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1 department and local governmental entities regarding  
2 transportation plans and programs, each M.P.O. shall:

3       1. Prepare a congestion management system for the  
4 metropolitan area and cooperate with the department in the  
5 development of all other transportation management systems  
6 required by state or federal law;

7       2. Assist the department in mapping transportation  
8 planning boundaries required by state or federal law;

9       3. Assist the department in performing its duties  
10 relating to access management, functional classification of  
11 roads, and data collection;

12       4. Execute all agreements or certifications necessary  
13 to comply with applicable state or federal law;

14       5. Represent all the jurisdictional areas within the  
15 metropolitan area in the formulation of transportation plans  
16 and programs required by this section; and

17       6. Perform all other duties required by state or  
18 federal law.

19       (d) Each M.P.O. shall appoint a technical advisory  
20 committee that includes planners; engineers; representatives  
21 of local aviation authorities, port authorities, and public  
22 transit authorities or representatives of aviation  
23 departments, seaport departments, and public transit  
24 departments of municipal or county governments, as applicable;  
25 the school superintendent of each county within the  
26 jurisdiction of the M.P.O. or the superintendent's designee;  
27 and other appropriate representatives of affected local  
28 governments. In addition to any other duties assigned to it by  
29 the M.P.O. or by state or federal law, the technical advisory  
30 committee is responsible for considering safe access to  
31 schools in its review of transportation project priorities,

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1 long-range transportation plans, and transportation  
2 improvement programs, and shall advise the M.P.O. on such  
3 matters. In addition, the technical advisory committee shall  
4 coordinate its actions with local school boards and other  
5 local programs and organizations within the metropolitan area  
6 which participate in school safety activities, such as locally  
7 established community traffic safety teams. Local school  
8 boards must provide the appropriate M.P.O. with information  
9 concerning future school sites and in the coordination of  
10 transportation service.

11 (e)1. Each M.P.O. shall appoint a citizens' advisory  
12 committee, the members of which serve at the pleasure of the  
13 M.P.O. The membership on the citizens' advisory committee must  
14 reflect a broad cross section of local residents with an  
15 interest in the development of an efficient, safe, and  
16 cost-effective transportation system. Minorities, the elderly,  
17 and the handicapped must be adequately represented.

18 2. Notwithstanding the provisions of subparagraph 1.,  
19 an M.P.O. may, with the approval of the department and the  
20 applicable federal governmental agency, adopt an alternative  
21 program or mechanism to ensure citizen involvement in the  
22 transportation planning process.

23 (f) The department shall allocate to each M.P.O., for  
24 the purpose of accomplishing its transportation planning and  
25 programming duties, an appropriate amount of federal  
26 transportation planning funds.

27 (g) Each M.P.O. shall have an executive or staff  
28 director, who reports directly to the M.P.O. governing board  
29 for all matters regarding the administration and operation of  
30 the M.P.O., and any additional personnel as deemed necessary.  
31 The executive director and any additional personnel may be

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1 employed either by an M.P.O. or by another governmental  
2 entity, such as a county, city, or regional planning council,  
3 which has a signed staff services agreement in effect with the  
4 M.P.O. In addition, an M.P.O. ~~may employ personnel or~~ may  
5 enter into contracts with local or state governmental  
6 agencies, private planning or engineering firms, or other  
7 private ~~engineering~~ firms to accomplish its transportation  
8 planning and programming duties and administrative functions  
9 required by state or federal law.

10 (h) Each M.P.O. shall provide training opportunities  
11 for local elected officials and others who serve on an M.P.O.  
12 in order to enhance their knowledge, effectiveness, and  
13 participation in the urbanized area transportation planning  
14 process. The training opportunities may be conducted by an  
15 individual M.P.O. or through statewide and federal training  
16 programs and initiatives that are specifically designed to  
17 meet the needs of M.P.O. board members.

18 (i)(h) A chair's coordinating committee is created,  
19 composed of the M.P.O.'s serving Hernando, Hillsborough,  
20 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The  
21 committee must, at a minimum:

22 1. Coordinate transportation projects deemed to be  
23 regionally significant by the committee.

24 2. Review the impact of regionally significant land  
25 use decisions on the region.

26 3. Review all proposed regionally significant  
27 transportation projects in the respective transportation  
28 improvement programs which affect more than one of the  
29 M.P.O.'s represented on the committee.

30 4. Institute a conflict resolution process to address  
31 any conflict that may arise in the planning and programming of

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such regionally significant projects.

~~(j)(i)~~1. The Legislature finds that the state's rapid growth in recent decades has caused many urbanized areas subject to M.P.O. jurisdiction to become contiguous to each other. As a result, various transportation projects may cross from the jurisdiction of one M.P.O. into the jurisdiction of another M.P.O. To more fully accomplish the purposes for which M.P.O.'s have been mandated, M.P.O.'s shall develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs.

Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provides ~~provide~~ the purpose for which the entity is created; provides ~~provide~~ the duration of the agreement and the entity, and specifies ~~specify~~ how the agreement may be terminated, modified, or rescinded; describes ~~describe~~ the precise

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1 organization of the entity, including who has voting rights on  
2 the governing board, whether alternative voting members are  
3 provided for, how voting members are appointed, and what the  
4 relative voting strength is for each constituent M.P.O. or  
5 political subdivision; provides ~~provide~~ the manner in which  
6 the parties to the agreement will provide for the financial  
7 support of the entity and payment of costs and expenses of the  
8 entity; provides ~~provide~~ the manner in which funds may be paid  
9 to and disbursed from the entity; and provides ~~provide~~ how  
10 members of the entity will resolve disagreements regarding  
11 interpretation of the interlocal agreement or disputes  
12 relating to the operation of the entity. Such interlocal  
13 agreement shall become effective upon its recordation in the  
14 official public records of each county in which a member of  
15 the entity created by the interlocal agreement has a voting  
16 member. This paragraph does not require any M.P.O.'s to merge,  
17 combine, or otherwise join together as a single M.P.O.

18 3. Each M.P.O. located within an urbanized area  
19 consisting of more than one M.P.O., or located in an urbanized  
20 area that is immediately adjacent to an M.P.O. serving a  
21 different urbanized area, shall coordinate with other M.P.O.'s  
22 in the urbanized area or the contiguous and adjacent M.P.O.'s  
23 to develop a report demonstrating how a coordinated  
24 transportation planning process is being developed and the  
25 results of the coordinated planning process. The report should  
26 include the progress on implementing a coordinated long-range  
27 transportation plan covering the combined metropolitan  
28 planning area that serves as the basis for the transportation  
29 improvement program of each M.P.O., separate and coordinated  
30 long-range transportation plans for the affected M.P.O.'s, a  
31 coordinated priority process for regional projects, and a



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1 regional public involvement process. The report shall be  
2 submitted to members of the M.P.O.'s local legislative  
3 delegation by no later than February of each even-numbered  
4 year and may be submitted as a joint report by two or more  
5 M.P.O.'s or separate coordinated reports by individual  
6 M.P.O.'s.

7 (12) VOTING REQUIREMENTS.--Each long-range  
8 transportation plan required pursuant to subsection (6), each  
9 annually updated Transportation Improvement Program required  
10 under subsection (7), and each amendment that affects projects  
11 in the first 3 years of such plans and programs must be  
12 approved by each M.P.O. on a supermajority ~~recorded~~ roll call  
13 vote or hand-counted vote of a majority plus one of the  
14 membership present.

15 Section 8. The Florida Transportation Commission shall  
16 conduct a study of the progress made by M.P.O.'s to establish  
17 improved coordinated transportation planning processes. The  
18 report must, at a minimum, address the efforts and progress of  
19 each M.P.O. to include representatives of the various modes of  
20 transportation into the metropolitan planning process; the  
21 efforts and progress of M.P.O.'s located within urbanized  
22 areas consisting of more than one M.P.O., or M.P.O.'s located  
23 in urbanized areas that are contiguous to M.P.O.'s serving  
24 different urbanized areas, to implement coordinated long-range  
25 transportation plans covering the combined metropolitan  
26 planning area; the extent to which these long-range plans  
27 serve as the basis for the transportation improvement program  
28 of each M.P.O.; and an assessment of the effectiveness of  
29 processes to prioritize regionally-significant projects and  
30 implement regional public involvement activities. The report  
31 shall be submitted to the Governor, the President of the

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1 Senate, and the Speaker of the House of Representatives no  
2 later than January 15, 2007.

3 Section 9. Paragraph (h) of subsection (2) of section  
4 20.23, Florida Statutes, is amended to read:

5 20.23 Department of Transportation.--There is created  
6 a Department of Transportation which shall be a decentralized  
7 agency.

8 (2)

9 (h) The commission shall appoint an executive director  
10 and assistant executive director, who shall serve under the  
11 direction, supervision, and control of the commission. The  
12 executive director, with the consent of the commission, shall  
13 employ such staff as are necessary to perform adequately the  
14 functions of the commission, within budgetary limitations. All  
15 employees of the commission are exempt from part II of chapter  
16 110 and shall serve at the pleasure of the commission. The  
17 salaries and benefits of all employees of the commission,  
18 except for the executive director, shall be set in accordance  
19 with the Selected Exempt Service; ~~provided,~~ however, that the  
20 salary and benefits of the executive director shall be set in  
21 accordance with the Senior Management Service. The commission  
22 shall have complete authority for fixing the salary of the  
23 executive director and assistant executive director.

24 Section 10. Paragraph (c) of subsection (6) of section  
25 332.007, Florida Statutes, is amended to read:

26 332.007 Administration and financing of aviation and  
27 airport programs and projects; state plan.--

28 (6) Subject to the availability of appropriated funds,  
29 the department may participate in the capital cost of eligible  
30 public airport and aviation development projects in accordance  
31 with the following rates, unless otherwise provided in the

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General Appropriations Act or the substantive bill

implementing the General Appropriations Act:

(c) When federal funds are not available, the department may fund up to 80 percent of master planning and eligible aviation development projects at publicly owned, publicly operated airports. If federal funds are available but are insufficient to meet the maximum authorized federal share, the department may fund up to 80 percent of the nonfederal share of such projects. Such funding is limited to airports that have no scheduled commercial service.

Section 11. Subsection (8) of section 332.007, Florida Statutes, is amended to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.--

(8) Notwithstanding any other provision of law to the contrary, the department is authorized to provide operational and maintenance assistance to publicly owned public-use airports. Such assistance shall be to comply with enhanced federal security requirements or to address related economic impacts from the events of September 11, 2001. For projects in the current adopted work program, or projects added using the available budget of the department, airports may request the department change the project purpose in accordance with this provision notwithstanding the provisions of s. 339.135(7). For purposes of this subsection, the department may fund up to 100 percent of eligible project costs that are not funded by the Federal Government. Prior to releasing any funds under this section, the department shall review and approve the expenditure plans submitted by the airport. The department shall inform the Legislature of any change that it approves under this subsection. This subsection shall expire on June

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1 30, 2012 ~~2007~~.

2           Section 12. This act shall take effect July 1, 2006.

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